

14242 *for blue*
PLCG

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-198714.2 DATE: July 8, 1980

MATTER OF: Fifth Generation Systems, Inc. *DLG03984*

DIGEST:

[Untimely] Protest alleging specification impropriety
not filed prior to bid opening is untimely
and not for consideration.

Fifth Generation Systems, Inc. (FGS) protests a geographical limitation in Invitation for Bids (IFB) No. 64KX-80-685, issued by the Department of Agriculture, Farmers Home Administration. FGS contends that the geographical limitation is unduly restrictive. *AGC 00047*
AGC 000356

Our Bid Protest Procedures provide that a protest based upon an alleged impropriety in a solicitation which is apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 20.2(b)(1) (1980). FGS reports that the bid opening date was April 15, 1980. The protest was filed on June 16, 1980. Therefore, the protest is untimely and not for consideration on its merits. ENSEC Service Corp., B-197907, March 11, 1980, 80-1 CPD 190.

for *Harry R. Can Cleve*
Milton J. Socolar
General Counsel

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